



Agricultural Land Commission
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November 3, 2016

ALC File: 55674

Linda Satink
169 Charparral Court SE
Calgary, AB T2X 3L6

Dear Ms. Satink:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #363/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached.

Further correspondence with respect to this application is to be directed to Riccardo Peggi at (Riccardo.Peggi@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'Riccardo Peggi', is written over the typed name.

Riccardo Peggi, Land Use Planner

Enclosures: Reasons for Decision (Resolution #363/2016)
Sketch plan

cc: Regional District of East Kootenay (File: P 716 221)

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AGRICULTURAL LAND COMMISSION FILE 55674

REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Linda Satink
Henk Satink
(the “Applicants”)**

Agent:

**Linda Satink
(the “Agent”)**

Application before the Chief Executive Officer:

**Kim Grout
(the “CEO”)**

THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 013-334-522

Lot 1, Block 17, District Lot 132, Kootenay District, Plan 1181

(the "Property")

[2] The Property is 2.0 ha in area.

[3] The Property has the civic address 3338 Palmer Rd, Baynes Lake.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 2 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the 2.0 ha Property into two parcels of 1.0 ha (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the *ALCA*:

21 (2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] Pursuant to s. 27 of the *ALCA* the CEO may approve some applications:

27 (1) The commission, by resolution, may establish criteria under which the following may be approved by the chief executive officer:

- (a) specified types of applications for exclusion, subdivision or non-farm use;
- (b) applications with respect to specified regions of British Columbia.

- (2) The commission must put the criteria established under subsection (1) in writing and make them available for inspection during ordinary business hours.
- (3) An application that meets the criteria established under subsection (1) may be approved by the chief executive officer on the terms that the chief executive officer may impose.
- (4) If the chief executive officer considers that the application does not meet the criteria specified under subsection (1) or for any other reason does not wish to approve the application under subsection (3), the application must be referred to the commission for a decision.
- (5) An approval of an application by the chief executive officer under subsection (3) is decision of the commission for the purposes of this Act.
- (6) The chief executive officer may not exercise a power that has been delegated to a local government, a first nation government or an authority by an agreement entered into under section 26.

[9] On June 27, 2011, the Agricultural Land Commission (the “Commission”) delegated decision-making to the CEO by Resolution #016N-2011 (File: 140-60/ALC/CEO/APPL). In accordance with section 27 of the *ALCA* the Commission has specified that the following applications may be decided by the CEO.

Criterion 2

Exclusion, subdivision, and non-farm use applications that are consistent with a specific planning decision of the Commission made by resolution (e.g.: Peace River-Fort St. John Comprehensive Development Plan);

BACKGROUND

[10] The Proposal is consistent with the Baynes Lake Official Community Plan (OCP), which allows subdivision down to 1.0 ha in the subject area. The Commission endorsed the Baynes Lake OCP on May 26, 2011 (ALC Resolution #2630/2011).

DECISION

[11] After reviewing the Application, I am satisfied that the Proposal is consistent with Criterion #2 of Resolution #016N/2011 and approve the Proposal.

[12] The Proposal is approved subject to the following conditions:

- a. the subdivision be in substantial compliance with the plan submitted with the Application;
- b. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission;
- c. the subdivision plan being completed within three (3) years from the date of release of this decision;

[13] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the subdivision plan.

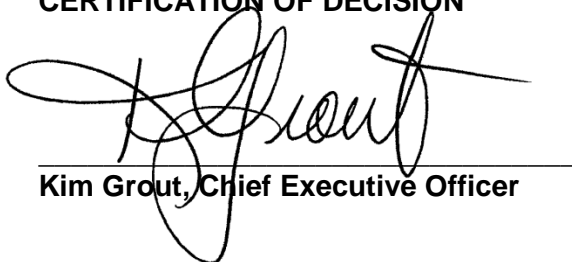
[14] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[15] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.

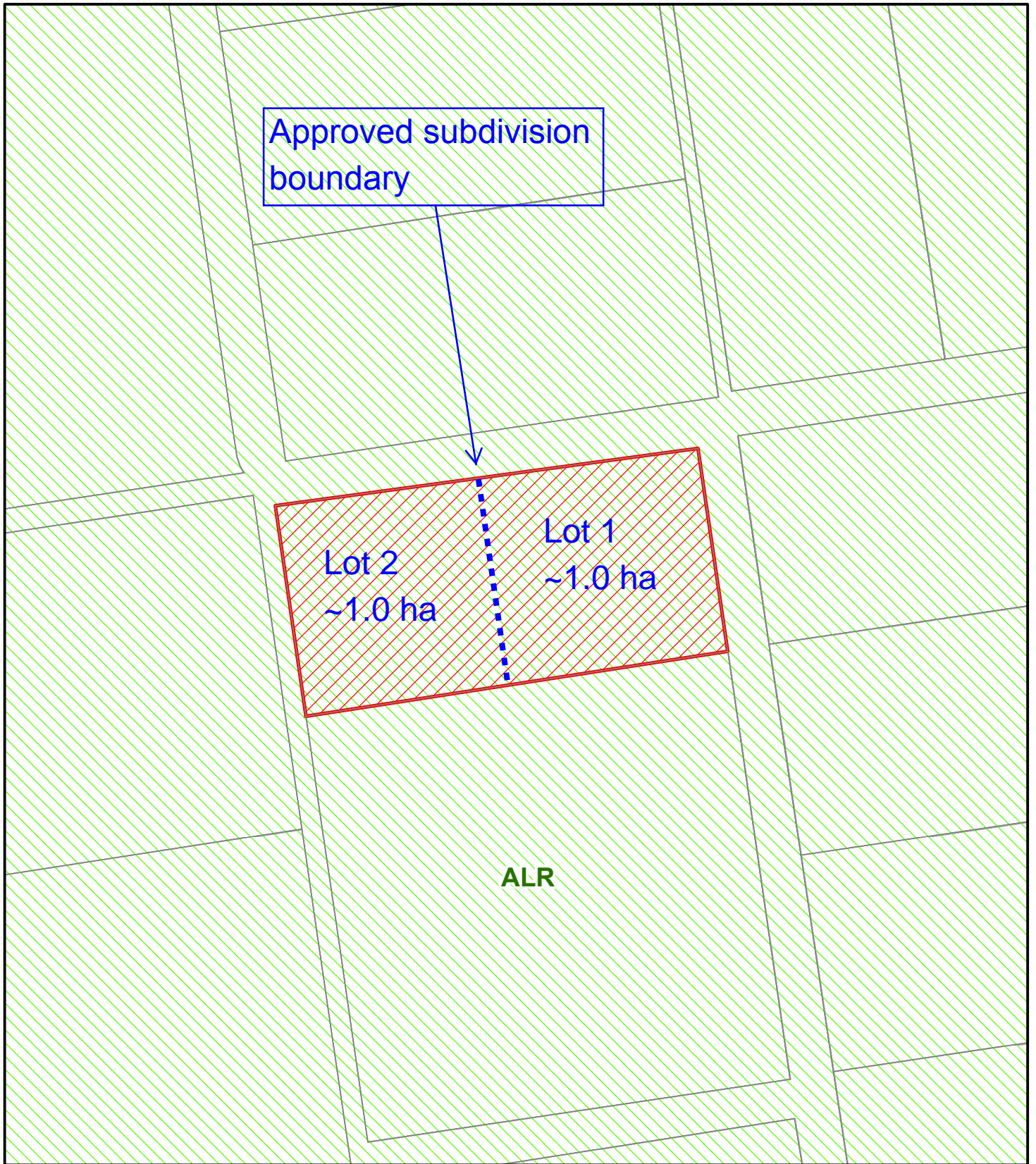
[16] This decision is recorded as Resolution #363/2016 and is released on November 3, 2016.

A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.

CERTIFICATION OF DECISION

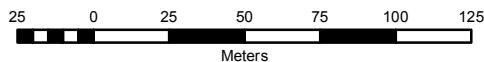


Kim Grout, Chief Executive Officer



ALC Context Map

Map Scale: 1:2,500



**ALC Application 55674
Approved Subdivision
ALC Resolution XX/2016**